

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 463

Introduced by Dierks, 40.

Read first time January 20, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterinary medicine and surgery; to amend
2 sections 38-3301, 38-3302, 38-3314, and 38-3321, Reissue
3 Revised Statutes of Nebraska; to provide for licensure of
4 animal therapists; to change provisions relating to the
5 practice of veterinary medicine and surgery; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-3301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-3301 Sections 38-3301 to 38-3330 and sections 3, 4,
4 and 7 to 9 of this act shall be known and may be cited as the
5 Veterinary Medicine and Surgery Practice Act.

6 Sec. 2. Section 38-3302, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-3302 For purposes of the Veterinary Medicine and
9 Surgery Practice Act and elsewhere in the Uniform Credentialing
10 Act, unless the context otherwise requires, the definitions found
11 in sections 38-3303 to 38-3318 and sections 3 and 4 of this act
12 apply.

13 Sec. 3. Health care therapy means health care activities
14 that require the exercise of judgment for which licensure is
15 required under the Uniform Credentialing Act.

16 Sec. 4. Licensed animal therapist means an individual
17 who (1) has and maintains an undisciplined license under the
18 Uniform Credentialing Act for a health care profession other
19 than veterinary medicine and surgery, (2) has met the standards
20 for additional training regarding the performance of that health
21 care profession on animals as required by rules and regulations
22 adopted and promulgated by the department upon the recommendation
23 of the board, and (3) is licensed as an animal therapist by the
24 department.

25 Sec. 5. Section 38-3314, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 38-3314 Unlicensed assistant means an individual who is
3 not a licensed veterinarian, ~~or~~ a licensed veterinary technician,
4 or a licensed animal therapist and who is working in veterinary
5 medicine.

6 Sec. 6. Section 38-3321, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 38-3321 No person may practice veterinary medicine and
9 surgery in the state who is not a licensed veterinarian, no
10 person may perform delegated animal health care tasks in the
11 state who is not a licensed veterinary technician or an unlicensed
12 assistant performing such tasks within the limits established under
13 subdivision (2) of section 38-3326, and no person may perform
14 health care therapy on animals in the state who is not a licensed
15 animal therapist. The Veterinary Medicine and Surgery Practice Act
16 shall not be construed to prohibit:

17 (1) An employee of the federal, state, or local
18 government from performing his or her official duties;

19 (2) A person who is a student in a veterinary school from
20 performing duties or actions assigned by his or her instructors
21 or from working under the direct supervision of a licensed
22 veterinarian;

23 (3) A person who is a student in an approved veterinary
24 technician program from performing duties or actions assigned by
25 his or her instructors or from working under the direct supervision

1 of a licensed veterinarian or a licensed veterinary technician;

2 (4) Any merchant or manufacturer from selling feed or
3 feeds whether medicated or nonmedicated;

4 (5) A veterinarian regularly licensed in another state
5 from consulting with a licensed veterinarian in this state;

6 (6) Any merchant or manufacturer from selling from his or
7 her established place of business medicines, appliances, or other
8 products used in the prevention or treatment of animal diseases
9 or any merchant or manufacturer's representative from conducting
10 educational meetings to explain the use of his or her products or
11 from investigating and advising on problems developing from the use
12 of his or her products;

13 (7) An owner of livestock or a bona fide farm or ranch
14 employee from performing any act of vaccination, surgery, pregnancy
15 testing, or the administration of drugs in the treatment of
16 domestic animals under his or her custody or ownership nor the
17 exchange of services between persons or bona fide employees who are
18 principally farm or ranch operators or employees in the performance
19 of these acts;

20 (8) A member of the faculty of a veterinary school
21 or veterinary science department from performing his or her
22 regular functions, or a person lecturing or giving instructions
23 or demonstrations at a veterinary school or veterinary science
24 department or in connection with a continuing competency activity;

25 (9) Any person from selling or applying any pesticide,

1 insecticide, or herbicide;

2 (10) Any person from engaging in bona fide scientific
3 research which reasonably requires experimentation involving
4 animals;

5 (11) Any person from treating or in any manner caring for
6 domestic chickens, turkeys, or waterfowl, which are specifically
7 exempted from the Veterinary Medicine and Surgery Practice Act;

8 (12) Any person from performing dehorning or castrating
9 livestock, not to include equidae.

10 For purposes of the Veterinary Medicine and Surgery
11 Practice Act, castration shall be limited to the removal or
12 destruction of male testes; or

13 (13) Any person who holds a valid credential in the
14 State of Nebraska in a health care profession or occupation
15 regulated under the Uniform Credentialing Act from consulting
16 with a licensed veterinarian ~~who has contracted with or is~~
17 ~~employed by an accredited zoological park or garden regarding~~
18 ~~an animal on behalf of such zoological park or garden~~ or performing
19 collaborative animal health care tasks on an animal under the care
20 of such veterinarian ~~for such zoological park or garden~~ if all
21 such tasks are performed under the immediate supervision of such
22 veterinarian.

23 Sec. 7. Each applicant for a license as an animal
24 therapist in this state shall present to the department:

25 (1) Proof that the applicant holds and maintains an

1 undisciplined license under the Uniform Credentialing Act for a
2 health care profession other than veterinary medicine and surgery;

3 (2) Proof that the applicant has met the standards for
4 additional training regarding the performance of that health care
5 profession on animals as required by rules and regulations adopted
6 and promulgated by the department upon the recommendation of the
7 board; and

8 (3) Such other information and proof as the department,
9 with the recommendation of the board, may require by rule and
10 regulation.

11 Sec. 8. (1) A licensed animal therapist may perform
12 health care therapy on an animal only if:

13 (a) The health care therapy is consistent with the
14 licensed animal therapist's training required for the license
15 referred to under subdivision (1) of section 7 of this act;

16 (b) The owner of the animal presents to the licensed
17 animal therapist a prior letter of referral for health care
18 therapy that includes a veterinary medical diagnosis and
19 evaluation completed by a licensed veterinarian who has a
20 veterinarian-client-patient relationship with the owner and the
21 animal and has made the diagnosis and evaluation within ninety days
22 immediately preceding the date of the initiation of the health care
23 therapy; and

24 (c) The licensed animal therapist provides health care
25 therapy reports to the referring veterinarian after each therapy

1 session.

2 (2) A licensed veterinarian who prepares a letter of
3 referral for health care therapy by a licensed animal therapist
4 shall not be liable for damages caused to the animal as a result of
5 the health care therapy performed by the licensed animal therapist.

6 Sec. 9. In addition to the grounds for disciplinary
7 action found in sections 38-178 and 38-179, a license to practice
8 as a licensed animal therapist may be denied, refused renewal,
9 limited, revoked, or suspended or have other disciplinary measures
10 taken against it in accordance with section 38-196 when the
11 applicant or licensee is subjected to disciplinary measures with
12 regard to his or her license referred to under subdivision (1) of
13 section 7 of this act.

14 Sec. 10. Original sections 38-3301, 38-3302, 38-3314, and
15 38-3321, Reissue Revised Statutes of Nebraska, are repealed.